

include YOUTH

**Comments on NI Assembly Committee for The Executive
Office
Inquiry Into Gaps in Equality Legislation
September 2024**

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Include Youth is a rights-based charity for children and young people in or leaving care, from disadvantaged communities, or whose rights are not being met. We work to improve their employability, personal and social development enhancing inclusion, integration and good relations. We work with over 800 young people a year aged between 14-25. Our main offices are in Belfast, Armagh, Ballymena, Derry, Enniskillen, Lisburn and Omagh. We also have offices in Tallaght and Cavan, where our Give and Take programme is being delivered in association with TUSLA

The young people we work with and for include those from socially disadvantaged areas, those who have had poor educational experiences, those from a care background, unaccompanied asylum seeking children and young people, young people with mental health issues, young people who have come into contact or are at risk of coming into contact with the justice system, misusing drugs and/or alcohol, at risk or experience of CSE. We provide a range of tailored employability programmes for these young people, including programmes delivered in partnership with community-based organisations.

One of our programmes, the Give & Take Scheme, adopts a youth work approach to improving the employability and increasing the self-esteem and confidence of young people aged 16 to 24 who are not yet ready to participate in mainstream training. We work across 9 primary sites and a number of outreach locations. The core components are personal development, mentoring, training, work experience, essential skills and transitional support.

The Give and Scheme also provides a One to One specialist programme for young people who have experienced or are at risk of experiencing Child Sexual Exploitation (CSE).

Include Youth also delivers an Employability Service on behalf of two of the five Health Trusts for young people aged 16 + who have had experience of the care system. This service is designed to offer tangible and concrete opportunities to assist young people leaving care to prepare for and engage in work.

Strive is a cross community, cross cultural, and cross border programme that engages young people aged 14-24 in good relations, person development and citizenship. We deliver this with our partners Newstart Educational Centre, Northern Ireland Alternatives, Youth Initiatives and Lifford/Clonleigh Resource Centre.

Our Care for Change project which started in September 2022 will employ 15 care experienced Expert By Experience (EBE) Youth Mentors over the next two years and across 6 Give and Take sites. Our current Youth Mentors are being trained and

supported to mentor other young people to become change makers and policy advocates and to contribute to consultations and policy responses, meet with decision makers and co-facilitate focus groups.

Include Youth also engages in policy advocacy work in a range of areas including employability, youth justice and policing. This work is informed by relevant international human rights and children's rights standards, is evidence based, including that provided by young people and practitioners and is based on high quality, critical analysis.

General Comments

It is our opinion that the equality protections available in NI have fallen far behind the advancements that have been made in other jurisdictions. There is currently a deficit in equality protections in NI. This review of gaps in equality legislation is welcomed and is clearly needed. There is an urgent need to address the significant gaps between GB equality law and NI equality law. Include Youth believe that children and young people in NI are not currently afforded equal levels of protection from discrimination as other groups in society.

Current arrangements in NI give limited protections from discrimination but the complexity and weaknesses of the system means that they are inconsistent in nature, disjointed, complex and confusing and ultimately negatively impact on some of the most vulnerable groups, including children.

The complexity of the current system means it is difficult for rights holders to navigate the equality protections available to them and to challenge or seek redress. Simplifying the system to one single piece of NI specific equality legislation, with associated resources and support, would assist rights holders who are experiencing discrimination.

Differences in protection with GB and EU:

The disjointed and inconsistent nature of equality legislation in NI has resulted in an unfair situation where some groups do not have the same equality protections as others.

We have not benefited from the advancements in other jurisdictions, such as the Equality Act 2010 in GB and the Equal Status Act 2000 in ROI. The harmonisation that came about as a result of the introduction of these pieces of legislation in other

jurisdictions is something that the people of NI have not benefited from. The strengthening of equality provisions within race, disability, equal pay and positive measures in GB and ROI are absent in NI.

Of particular relevance to the young people that Include Youth supports is the absence of age discrimination legislation in accessing goods, facilities and services in NI. This is a clear and blatant disregard for how children in NI are being discriminated against when trying to access a range of services and supports. It is in direct contravention of Article 2 of the United Nations Convention on the Rights of the Child - the right to protection from any form of discrimination. The children's rights sector has consistently called for action on this.

The United Nations Committee on the Rights of the Child, in their Concluding Observations of June 2023 expressed their concern about the levels of persistent discrimination against children present in the UK, including in NI. The Committee recommended legislative change to address this and to provide protection of all children from discrimination on the grounds of their age, particularly in NI.¹

The New Decade, New Approach Agreement of 2020 also made specific reference to the need to address this gap in protection.

'An Age, Goods, Facilities and Services Bill should also be brought forward by the Executive as basis for ensuring that no one is discriminated against because of their age'.²

These issues should be addressed in single equality legislation in NI.

Another difference between NI, GB and ROI is that NI's equality legislation does not consider discrimination across a range of equality grounds. This lack of intersectionality should be addressed to reflect the lived experiences of children and young people. Children can be discriminated across a number of equality grounds, for example on age, race and religion. Combined discrimination provisions would better respond to the realities of how discrimination plays out.

¹ [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)

² NIO (2010) New Decade, New Approach, para xxii.

Meeting international human rights standards and frameworks/ Article 2 Windsor Framework:

There are strong requirements contained within Article 2 of the Windsor Framework for NI Executive, Assembly and associated Departments to keep pace with equality directives and to not diminish EU laws.

Brexit has presented more challenges and threats in relation to equality and human rights protections in NI.

Any future legislation on equality in NI must comply with the UK Government's obligation relating to Article 2 of the Windsor Framework.

It is essential that equality law in NI reflects international human rights standards (including UNCRC) and the specific needs of NI.

Discrimination of children and young people and effects of differences in legislation:

There are numerous examples of children being discriminated against on the grounds of their age and how not having sufficient equality legislation to address this is impacting on the lives of children and young people. The following are just some examples.

- The United Nations Convention of the Rights of the Child is not incorporated into NI domestic law.
- We do not have a law which combats age discrimination in goods, facilities and services.
- We have a minimum age of criminal responsibility which is not compliant with international children's rights standards.
- Children and young people are routinely demonised and negatively labelled.
- Children are being impacted by growing costs of living and austerity measures, with increasing numbers living in poverty.
- Children are not equally protected from violence.
- Children who desperately need mental health services are not gaining access to the support they need.
- Budgetary decisions being made by Government departments are disproportionately negatively impacting on the lives of our most vulnerable children.
- Children and young people are disproportionately stopped and searched by PSNI.

Existing weaknesses:

The complexity of the current equality law in NI makes it difficult for children, young people and carers to identify and understand specific rights and how they can address discrimination. Many children and young people will not be aware of what protections exist and as a result will not challenge or seek redress. A single piece of equality legislation would make it easier for vulnerable groups to seek redress and challenge inequality and discrimination.

Section 75 of the NI Act and the EQIA process must be reviewed to ensure effective implementation. We have been frustrated by the lack of understanding and effective implementation of Section 75 duties by government departments. This must be addressed as part of any review of equality protections in NI.

Conclusions and Recommendations

- NI Equality law is weak, does not offer adequate and equal protection from discrimination for all groups, and does not comply with international standards.
- This weakness has real impacts on the lives of children and young people.
- We would not be supportive of the existing legislation in GB being lifted and introduced in NI. There is a need for specific NI equality legislation.
- Include Youth are supportive of the consideration of the adoption of a NI Single Equality Act that embeds international human rights standards and best practice and includes intersectionality.
- The United Nations Convention of the Rights of the Child provides a framework for equality protections needed for children.
- Reform must comply with Article 2 of the Windsor Framework.
- We would support 'socioeconomic status' being included as a protected characteristic.

We welcome the opportunity to comment on this review and look forward to the outcomes of the process. We are happy to provide further information on any of the comments made within this submission.

